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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,371	10/21/2003	Chiu-An Huang	39524.8300	6546

7590 10/20/2005
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EXAMINER

CHEN, TIANJIE

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,371

Applicant(s)

HUANG ET AL.

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Non-Final Rejection

Election/Restrictions

1. Applicant's election without traverse of Species III drawn from fig. 4 with claims 1-16 in the reply filed on 09/16/2005 is acknowledged.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

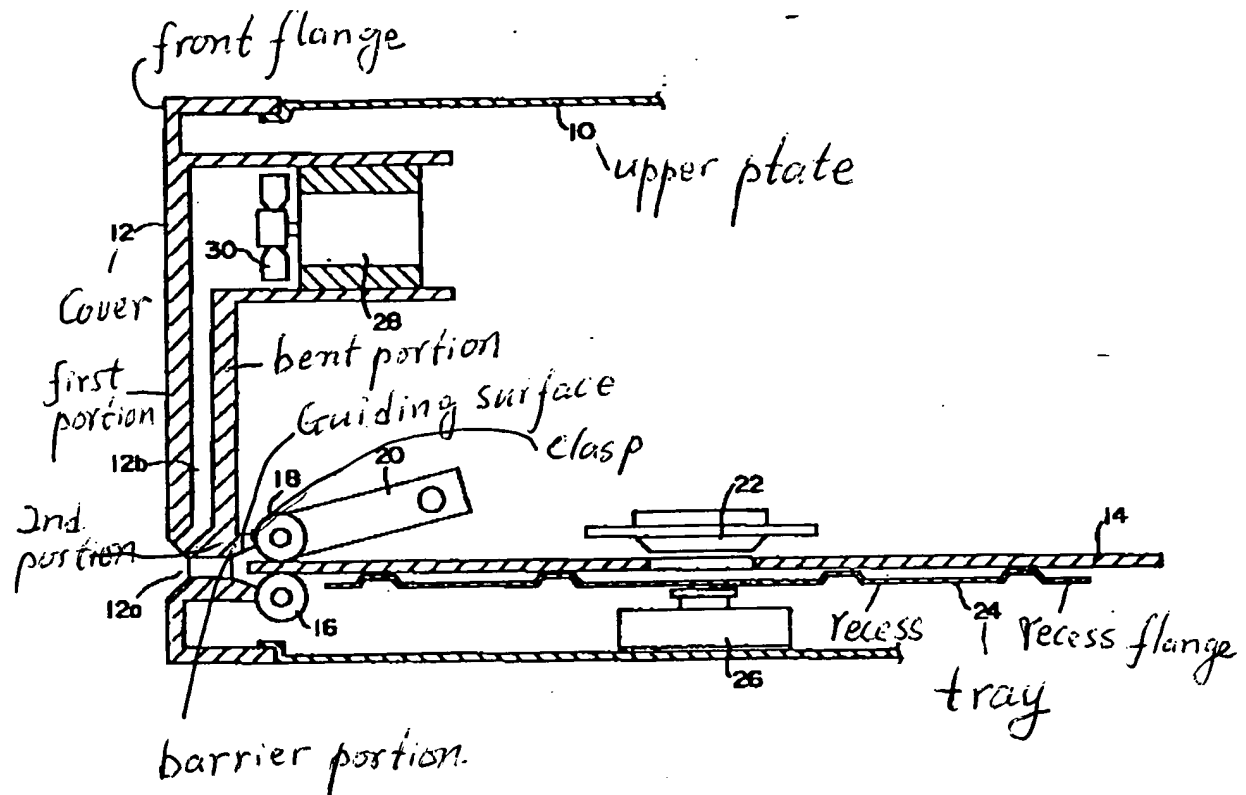
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Muto (JP 60-55576A).

Claim 1, Muto shows a disc data reading apparatus in Fig. 1, which is attached in next page with added marks, including: a tray having a recess for receiving a disc, the recess defining a recess flange; a housing including an upper plate parallel to the tray, the upper plate having a front flange; and a cover including a first portion and a second portion, the first portion being connected to the front flange of the housing, and the second portion extending into the housing to form a barrier portion; wherein the barrier portion prevents a possible cracked disc from jetting out.

Claim 2, Muto shows that the barrier portion is located between the recess flange and the cover.

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Claim 3, Muto shows that the barrier portion and the tray prevent the cracked disc from jetting out through an opening between the barrier portion and the tray.

Claim 4, Muto shows that the barrier portion further includes a guidance surface sloping at a predetermined angle to guide a movement of the cracked disc.

Claim 5, Muto shows that the predetermined angle is less than 90 degrees.

Claim 6, Muto shows that the upper plate further includes a bent portion downwardly extending from the upper plate.

Claim 7, Muto shows that the bent portion is located between the recess flange and the front flange.

Claim 8, Muto shows that the barrier portion further includes a clasp engaging with the bent portion.

Claim 9, Muto shows that the clasp further includes a guidance surface sloping at a predetermined angle to guide a movement of the cracked disc and prevent the cracked disc from jetting out.

Claim 10, Muto shows a disc data reading apparatus, including: a tray having a recess for receiving a disc, the recess defining a recess flange; a housing including an upper plate parallel to the tray, the upper plate having a front flange; and a cover including a first portion and a second portion, the first portion being connected to the front flange of the housing, and the second portion extending into the housing to form a barrier portion; wherein the barrier portion has a guidance surface sloping at a predetermined angle to guide a movement of a possible cracked disc and prevent the cracked disc from jetting out.

Claim 11, Muto shows that the barrier portion is located between the recess flange and the cover.

Claim 12, Muto shows that the barrier portion and the tray prevent the cracked disc from jetting out through an opening between the barrier portion and the tray.

Claim 13, Muto shows a disc data reading apparatus, including: a tray having a recess for receiving a disc, the recess defining a recess flange, a housing including an upper plate parallel to the tray, the upper plate having a bent portion and a front flange, the bent portion downwardly extending from the upper plate; and a cover including a first portion and a second portion, the first portion being connected to the front flange of the housing, and the second portion extending into the housing to form a barrier portion, the barrier having a clasp engaging with the bent portion, wherein the clasp has a guidance surface sloping at a predetermined angle to guide a movement of a possible cracked disc.

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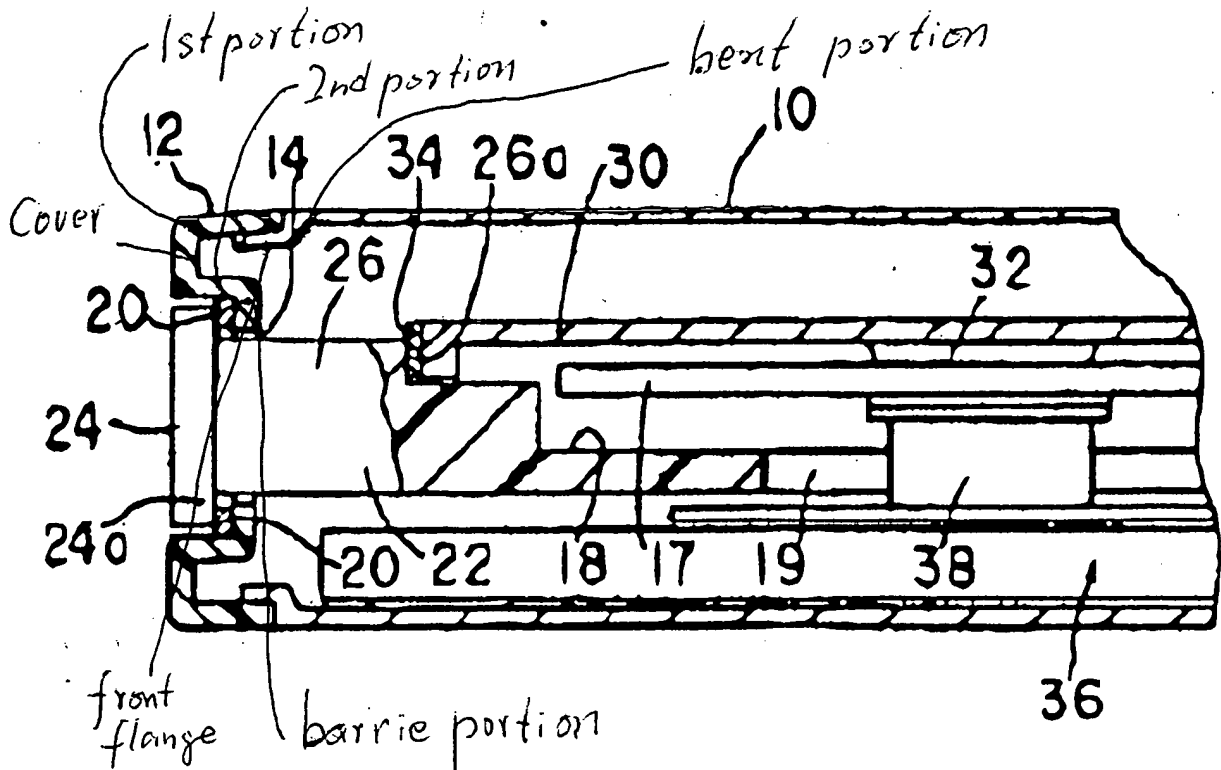
Claim 14, Muto shows that the barrier portion is located between the recess flange and the cover.

Claim 15, Muto shows that the barrier portion and the tray prevent the cracked disc from jetting out through an opening between the barrier portion and the tray.

Claim 16, Muto shows that the bent portion is located between the recess flange and the front flange.

4. Claims 1-3, 6, and 7 are also rejected under 35 U.S.C. 102(b) as being anticipated by Shimomichi (JP 2001-236775A).

Claim 1, Shimomichi shows a disc data reading apparatus in Fig. 3, including: a tray 16 having a recess 18 for receiving a disc 17, the recess defining a recess flange 18; a housing including an upper plate 10 parallel to the tray, the upper plate having a front flange (Fig. 3); and a cover 12 including a first portion and a second portion, the first portion being connected to the front flange of the housing, and the second portion extending into the housing to form a barrier portion; wherein the barrier portion prevents a possible cracked disc from jetting out.



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Claim 2, Shimomichi further shows that barrier portion is located between the recess flange and the cover.

Claim 3, Shimomichi further shows that the barrier portion and the tray prevent the cracked disc from jetting out through an opening between the barrier portion and the tray.

Claim 6, Shimomichi further shows in Fig. 4 that the upper plate further includes a bent portion downwardly extending from the upper plate.

Claim 7, Shimomichi further shows that the bent portion is located between the recess flange and the front flange.

Conclusion

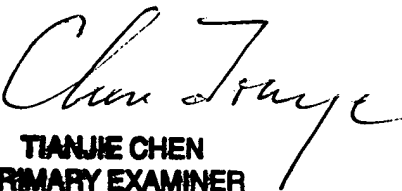
5. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TIANJIE CHEN
PRIMARY EXAMINER